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## EASTERN DISTRICT OF TEXAS

DARREN HERSCHEL BUNDICK,

Plaintiff,

*versus*

BOBBY RADER, *et al.*,

Defendants.



CIVIL ACTION NO. 1:22-CV-421

## ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Darren Herschel Bundick, an inmate confined at the Lychner Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying defendant Bobby Rader's motion to dismiss without prejudice to his ability to reassert the claims in a properly supported motion for summary judgment. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. It is

**ORDERED** that defendant Bobby Rader's motion to dismiss (#16) is **DENIED** without prejudice to his ability to reassert the claims in a properly supported motion for summary judgment.

SIGNED at Beaumont, Texas, this 11th day of September, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE